IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13732 of 2005

Between:

Sri Vinukonda Srimannarayana Charyulu, S.o. Sri Seetharamanjaneya Charyulu, Hindu, Yellamanda, Narasaraopeta Mandal, Guntur District.

..... PETITIONER

AND

1 The District Collector, Guntur, Guntur District.
2 The Revenue Divisional Officer, Narasaraopeta, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction in the nature of Mandamus, declaring the proceedings in Rc.No. 175/05/03 dt. Nil -02-2005 of the 1st Respondent issued under 4(1) of Land Acquisition Act of 1894 as amended by Land Acquisition (Amendment) Act 38 of 1953 and section 6 Declaration dt. 6-6-2005 seeking to acquire Ac. 18.12 cents of dry land situated in Sy.No. 758/3 of Yellamanda Village, Narasaraopeta Mandal, Guntur District, endowed to Sri Kodandaramaswamy Vari Devasthanam, Yellamanda VIllage, Narasaraopeta Mandal, Guntur District as being illegal, unjust, arbitrary and violative of Articles 14 of the Constitution of India and the guidelines of Government of Andhra Pradesh, Endowments Department in Lr.No. L2/51561/03 dt. 22-10-2003.

Counsel for the Petitioner: MR.M.SUBBA REDDY

Counsel for the Respondents: GP FOR REVENUE

This Court at the admission stage made the following:

O R D E R:

This writ petition is filed seeking to declare the proceedings dated -02-2005 issued by the first respondent under Section 4(1) of the Land Acquisition Act (hereinafter referred to as 'the Act') and the declaration dated 06-06-2005 under Section 6 of the Act seeking to acquire Ac.18-12 cents of dry land situated in Survey No.758/3 of Yellamanda Village, Narasaraopeta Mandal, Guntur District, which was endowed to Sri Kodandaramaswamyvari Devasthanam, Yellamanda Village, Narasaraopeta Mandal, Guntur District, as illegal and arbitrary.

It is stated that Sri Kodandaramaswamyvari Devasthanam is being maintained out of the income derived from the dry land to an extent of Ac.18.12 cents, which was leased out to the tenants for the purpose of cultivation, for the past several years. If the said land is acquired, the temple will have no other income and the day-to-day Poojas and Rituals will come to a stand still and the petitioner, being the Archaka of the temple, will not be able to maintain himself, as there will be no income for the said Devasthanam. It is also stated that as a matter of fact, the Government of Andhra Pradesh, Endowments Department, issued certain guidelines by Lr.No.L2/51/51561/2003 dated 22-10-2003. According to the said guidelines, the District Collector concerned, shall certify that no alternative land of Government is available for providing house sites to the weaker sections other than the endowment land; care should be taken to see that landless poor tenants are not adversely effected; and if there is any subsisting lease, the award can be passed after expiry of lease period and in the mean while, the process of land acquisition can be continued. It is further stated that 48 tenants, who are landless poor, are cultivating the land-in-question, in small extents, based on the leases executed for the period from 15-03-1996 to 15-03-2002 and renewed for the period from 15-03-2002 to 15-03-2008. It is also stated that plenty of Government poramboke lands are available in Yellamanda village for

providing house sites to the weaker sections.

The learned counsel for the petitioner contends that the petitioner, who is the Archaka of the said temple, is cultivating the land-in-question along with others, as he is not being paid salaries. He further contends that as per the guidelines issued by the Government by letter dated 22-10-2003, the respondents cannot acquire the land-in-question as the petitioner is cultivating the same, in view of salaries/paditaram.

The learned Government Pleader for Revenue appearing for the respondents contends that the proceedings dated ---02-2005 were issued for the purpose of providing house sites to the weaker sections of the society and accordingly, the declaration dated 06-06-2005 under Section 6 of the Act was issued.

Item No.4 of the letter dated 22-10-2003 issued by the Government of India, Endowments Department, which is relevant to the case on hand, reads as follows:

> *" Lands allotted to poojaries in lieu of salaries/paditaram shall not be acquired until salary and other arrangements are made, as envisaged in the Supreme Court Order in the matter."*

Having heard the learned counsel for the petitioner and the learned Government Pleader and perused the material on record, it is clear that the petitioner has failed to produce any document showing that the land-in-question was leased out to him and others. In view of the same, I am unable to accede to the contention of the learned counsel for the petitioner.

The fact that the petitioner failed to produce relevant material showing that an extent of the land-in-question was allotted to him, in lieu of salaries/paditaram, shows that he lacks *bona fides,* and the respondent cannot be stalled from proceeding further in accordance with law. In the circumstances, I see no merit in the writ petition and the same fails.

The writ petition is accordingly dismissed. No costs.

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(ELIPE DHARMA RAO, J)

Date:28-06-2005

ghn

To

1 The District Collector, Guntur, Guntur District.
2 The Revenue Divisional Officer, Narasaraopeta, Guntur District.

3 Two CCs to the Government Pleader for Revenue, High Court of A.P., Hyderabad. (O.U.T.)

4 Two CD copies.